UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/249
17 September 1993

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-third session

DOCUMENTS SUBMITTED IN COMPLIANCE WITH A SPECIAL DECISION OF THE COMMITTEE*

CROATIA

[4 August 1993]

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* By a decision of 19 March 1993, the Committee expressed its grave concern over the ongoing ethnic conflict in the territory of the former Yugoslavia and requested the Government of Croatia and other successor governments to submit further information on the implementation of the Convention as a matter of urgency.

GE.93-18479 (E)

I. GENERAL BACKGROUND INFORMATION

International legal personality and recognition of the Republic of Croatia

1. By mid-1991 all the elements of the international legal personality of Croatia were in existence 1/ and it assumed full responsibility for its international relations when its Parliament passed the Decision on the Sovereignty and Independence of Croatia on 8 October 1991.

2. The citizens of the Republic of Croatia were entitled to exercise the right of self-determination at a referendum on independence, in favour of which they voted overwhelmingly in an impressive display of loyalty to the democratically elected Government. The Government of the Republic of Croatia exercises effective authority over most parts of a clearly defined territory; the lack of control over certain areas due to the aggression and unlawful occupation could not affect the sovereignty of the Republic.

3. On 16 December 1991 the European Community and its member States passed the Declaration on the guidelines on the recognition of new States in eastern Europe and the Soviet Union and the Declaration on Yugoslavia. The listed criteria for recognizing new States included the following:

(a) Respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;

(b) Guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the Conference on Security and Cooperation in Europe;

(c) Respect for the inviolability of all frontiers, to be changed only by peaceful means and by common agreement;

(d) Acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;

(e) Commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State succession and regional disputes.

4. The European Community and its member States declared in the Guidelines that they will not recognize entities which are the result of aggression. The Declaration on Yugoslavia invited the republics of the former Socialist Federal Republic of Yugoslavia (SFRY) to state by 23 December 1991 whether:

(a) They wished to be recognized as independent States;

(b) They accepted the commitments contained in the above-mentioned Guidelines;

(c) They accepted the provisions laid down in the draft Convention - especially those in chapter II on human rights and rights of national or ethnic groups - under consideration by the Conference on Yugoslavia;

(d) They continued to support the efforts of the Secretary-General and the Security Council of the United Nations and the continuation of the Conference on Yugoslavia.

The Arbitration Commission accepted the request of the Republic of Croatia for recognition by the European Community and its member States on 15 January 1992.

5. Diplomatic recognition within the framework of the European Community-sponsored Peace Conference on Yugoslavia facilitated an agreement on an armistice and the preconditions for the application of the Vance plan in the temporarily occupied territories of Croatia. The Republic of Croatia has gained wide international recognition and became a member of the United Nations on 22 May 1992. As a successor State of the former SFRY, Croatia has assumed responsibility as a party for a large number of treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, by the deposite of the notification of succession on 12 and 22 October 1992.

The relationship between the Convention and domestic law

6. On the basis of the notification of succession of the Republic of Croatia and in accordance with article 134 of its Constitution, the Convention became part of domestic law of Croatia. This is a consequence of article 134 which reads:

> "International agreements concluded and ratified in accordance with the Constitution and made public shall be part of the Republic's internal legal order and shall in terms of legal effect be above law. Their provisions may be changed or repealed only under conditions and in the way specified in them, or in accordance with the general rules of international law."

The legal effect of article 134 is that the provisions of the Convention can be invoked before - and directly enforced by - the courts. Moreover, in the event of a conflict between domestic and international law, the latter shall prevail.

The general legal framework within which human rights are protected

7. One of the fundamental aims of Croatian governmental policy is to promote and protect fundamental freedoms and human rights of all people regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education or social status (art. 14 of the Constitution of the Republic of Croatia). Since its independence, Croatia has expressed its firm commitment to fight against all forms of racial or other discrimination. To achieve this goal Croatia has become a party to almost all international treaties on human rights adopted in the United Nations, and has

incorporated in its legal system widely accepted international standards based on the Universal Declaration of Human Rights and other universal and European human rights instruments.

8. Protection against all forms of racial discrimination as defined in article 1, paragraph 1, of the Convention is guaranteed by the Constitution of the Republic of Croatia, the Constitutional Law on the Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities and the Criminal Code of the Republic of Croatia.

9. Moreover, the legal system of Croatia not only prohibits all acts of racial discrimination which, contrary to the Convention, violate human rights, but gives full and specific protection to all national or ethnic communities and minorities residing in Croatia, ensuring them the right to promote their specific customs, traditions and culture and to maintain and preserve their language and literature. The rights of ethnic and national communities and minorities are regulated by the Constitution of the Republic of Croatia, the Charter on the rights of Serbs and Other Nationalities, the Constitutional Law on Human Rights and Freedoms and the Rights of Minorities, the Law on Local Self-government and Administration, the Law on the Election of Representatives in the Parliament (Sabor) of the Republic of Croatia, 2/ the Law on Croatian Radio-Television, the Law on Social Welfare of Pre-school Children, the Law on Elementary Education, and the Law on Secondary Education. (The main statutes are reproduced in The Principal State Acts (Parliament of the Republic of Croatia: Zagreb, April 1993). See the appendix.)

10. The main principles governing fundamental freedoms and human rights are proclaimed and guaranteed by the Constitution of the Republic of Croatia. A substantial part (arts. 14-70) of the Croatian Constitution is devoted to regulating the basic freedoms and human rights of every individual and proclaiming fundamental principles regarding the rights of minorities or ethnic or national communities, particularly the freedom of maintaining national identity, free use of language and alphabet, and cultural autonomy.

11. On 25 June 1991 Parliament passed the Charter of the Rights of Serbs and Other Nationalities in the Republic of Croatia which guarantees Serbs and other national minorities living in Croatia their fundamental freedoms and human rights, in particular freedom of speech and the advancement of national language, identity and culture as well as freedom of political activity and organization. The Charter emphasizes that all the nationalities in Croatia enjoy legal protection against any activity that might jeopardize their identity, entitling them recognition, self-preservation and cultural autonomy, the right of proportional representation in local self-government bodies and corresponding bodies of State government as well as the guarantee of their economic and social development in order to preserve their identify and as a safeguard against any attempt at assimilation.

12. To achieve effective implementation of the provisions of the Constitution of the Republic of Croatia and of the aforementioned Charter, as well as international instruments regarding the protection of basic human rights, a separate law was required. The Constitutional Law on the Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia was adopted by the Parliament on 2 December 1991 (and

amended on 8 May 1992) in accordance with articles 3, 14 and 15 of the Constitution with the aim of protecting and guaranteeing the realization of human and minority rights at the highest level achieved in the international community, and enabling the less numerous ethnic or national communities of the same language, religion and nationality a free development of their distinctive characteristic within the majority community or communities without abuses by either the majority or minority.

13. Article 1 of the Constitutional Law on Human Rights explicitly enumerates the international instruments in accordance with which the aforementioned law was elaborated: the principles of the Charter of the United Nations; the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Final Act of the Conference on Security and Cooperation in Europe (Helsinki), the Paris Charter and other CSCE instruments referring to human rights, the European Convention on Human Rights and its protocols, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Rights of the Child.

14. The Constitutional Law on Human Rights contains rules on the following issues: human rights and freedoms, cultural autonomy and other rights of ethnic or national groups or minorities, proportional participation in representational and other bodies, district (regions) with special self-governing (autonomous) status, property and financing of the special statute municipalities and districts, international supervision and cooperation and judicial protection.

Demographic composition of the Republic of Croatia

15. The demographic composition of the Republic of Croatia is dealt with in detail in the "core document"* and the appendix.

II. INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

16. In accordance with article 3 of the Constitution, the Republic of Croatia has adopted comprehensive legislation to combat racial discrimination. Croatia has undertaken every step within its powers to ensure that all public authorities and public institutions act in conformity with policies and practices designed to eliminate racial discrimination. The Republic of Croatia as a society is made up of diverse ethnic and religious groups and caters to their needs by respecting and helping to promote diversity and pluralism while providing a framework of integration, allowing every citizen to participate in the common welfare of the Republic.

17. Thus, the Republic of Croatia has repeatedly stressed the importance that Croatia attaches to human and minority rights and the means by which they are to be preserved and enlarged through the country's political and legal

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* Not yet issued.

institutions. The President of the Republic of Croatia, Dr. Franjo Tudman, in his address to the joint session of both Houses of the Croatian Parliament on 23 March 1993, outlined the basic policy of the Republic of Croatia towards ethnic tolerance:

> "We shall continue to maintain the consistency of our policy of guaranteeing all civil and ethnic rights to all citizens of Croatia the right to local self-government in accordance with the highest standards of Europe and the developed world."

18. The Government of the Republic of Croatia has undertaken not to engage in acts or practices of racial discrimination against persons, groups of persons or institutions and has consistently ensured that all public authorities and public institutions, national and local, act in conformity with this policy; has undertaken effective measures to review governmental, national and local policies; and has undertaken steps to prohibit and bring to an end racial discrimination by any persons, groups or organizations. The full extent of these commitments are amplified throughout this report, but particular attention should be paid to the sections dealing with articles 5 and 7.

Confidence-building measures

19. One of the top priorities which shape Croatia's policies is normalizing inter-ethnic relations, in particular the relations between Croats and part of Croatia's Serbian minority. The Republic of Croatia has instituted a number of confidence-building measures designed to ensure not only that there will be no revanchism, but that coexistence in harmony and mutual understanding and peace will be possible. In particular, it has elaborated a comprehensive programme of confidence-building measures through the International Conference on the Former Yugoslavia and through local initiatives.

20. The Government of the Republic of Croatia supports the expeditious implementation of the Vance peace-keeping plan (Security Council resolution 743 (1992) of 21 February 1992 and S/23280, annex III) and all the additional resolutions of the Security Council of the United Nations which stress the need for the return of all refugees and displaced persons to their homes, the restoration of complete control of the Croatian Government throughout the country, the demilitarization of the United Nations Protected Areas (UNPAs) and "pink zones" and a comprehensive disarmament of Serbian paramilitary formations. The implementation of the Vance plan has been encouraged and assisted by governmental and non-governmental authorities in every way possible and Croatia has done everything in accordance with the terms of reference of the peace plan. However, the implementation of the Vance plan has been frustrated by an intransigent Serbian political and military leadership in the occupied territory of Croatia who have absolute control over the media and other institutions. They have engaged in a systematic campaign of racial vilification, incitement to hatred and religious intolerance throughout the UNPAs and "pink zones" so as to prevent the normalization of Croatian and Serbian relations and to instill fear into the Serbian population of unjustified endangerment. The return of refugees as envisaged in the Vance plan has thus not taken place. On the contrary, more and more Croatians have been expelled.

Measures adopted for the protection of the ethnic or national minorities

21. The Republic of Croatia has taken measures in the social, economic, cultural and other spheres to ensure adequate development and protection of certain ethnic groups or individuals for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

22. The Republic of Croatia has entered into a number of bilateral and multilateral agreements designed to protect the rights and interests of minorities in Croatia. The Memorandum of Understanding among Croatia, Italy and Slovenia on the Protection of the Italian Minority in Croatia and Slovenia signed on 15 January 1992 (the Memorandum was signed only by the Government of the Republic of Croatia and the Government of the Republic of Italy). The Republic of Croatia acceded to the Declaration on Minority Rights adopted by Hungary and Ukraine and actively participates in the drafting of an instrument for the protection of minority rights within the framework of the Central European Initiative.

Financial resources provided to ethnic and national minorities

23. On 9 April 1993 the Government of the Republic of Croatia passed a decision earmarking financial assistance in the amount of 2,000,000,000 Croatian dinars (HRD)* for ethnic and national communities in Croatia. The structure of financial assistance for ethnic minorities or national communities was distributed along the following patterns:

The Albanian community		
Community of Albanians in the Republic of Croatia, Zagreb		34,100,000
The Czech community		
1.	NIU "Jednota", Daruvar	141,500,000
(a)	Jednota, weekly (2,250 copies printed)	78,200,000
(b)	Naš Koutek, monthly for children (1,000 copies published)	39,000,000
(c)	Kalendar, annual anthology (1,500 copies published)	9,700,000
(d)	Textbooks	14,600,000
2.	Union of Czechs, Daruvar	24,300,000
TOTAL 1-2		165,800,000

* On 9 April 1993, the value of the Croatian dinar in relation to the German mark was 1,030 HRD to 1 DM.

The German and Austrian communities		
1.	Alliance of Germans and Austrians, Osijek	9,800,000
2.	Community of Germans in the Republic of Croatia, Zagreb	4,700,000
3.	German Nationality Community, Zagreb	9,800,000
	TOTAL 1-3	24,300,000
The Roma (Gypsy) community		
	Union of Gypsies in Croatia, Čakovec	39,000,000
The Hungarian community		
1.	NIRO "Magyar Kepes Uysag", weekly	121,900,000
2.	Union of Hungarians, Osijek	24,300,000
	TOTAL 1-2	146,200,000
The Muslim community		
	The Cultural Society of Muslims in the Republic of Croatia "Preporod, Zagreb	43,900,000
The Italian community		
1.	An editing, newspaper and publishing organization in Rijeka received 634,000,000 HRD for the following programmes:	
	(a) LA VOCE DEL POPOLO, daily newspaper (4,000 copies published)	293,000,000
	(b) ARCOBALENO, monthly magazine for children (35,000 copies published)	94,600,000
	(c) PANORAMA, bi-weekly, (2,300 copies published)	89,700,000
	(d) LA BATTANA, quarterly (2,000 copies published)	10,400,000
	(e) Textbooks	146,300,000
2.	Centre for Historical Research (Rovinj)	49,000,000

3.	Italian Drama, NK "Ivan Zajc", Rijeka	12,000,000
4.	Italian Union for Istria and Rijeka, Rijeka	34,000,000
5.	32nd Seminar of Italian Language	7,250,000
	TOTAL 1-5	736,250,000

The Jewish community

	The Jewish Council, Zagreb	19,800,000

The Macedonian community

	Community of Macedonians in Croatia, Zagreb	19,600,000

The Montenegrin community

	National Community of Montenegrins in Croatia, Zagreb	19,600,000

The Russian and Ukrainian communities

1.	Uredništvo (Editorship) "Nova Dumka", Zagreb	39,000 000
	(a) "Nova Dumka", bi-monthly (1,000 copies published)	17,600,000
	(b) Almanah (Alamac), annual (1,000 copies published)	11,700,000
	(c) Textbooks	9,700,000
2.	Union of Russians and Ukrainians, Zagreb	19,600,000
	TOTAL 1-2	58,600,000

The Serbian community

1.	Community of Serbs in the Republic of Croatia, with regional community organizations, Zagreb	126,800,000
2.	Community of Serbs from Istria, Rijeka and Gorskog Kotara, Rijeka	58,450,000
3.	S.K.D. "Prosvjeta", Zagreb	390,000,000
	TOTAL 1-3	575,250,000

The Slovak community

1.	Matica Slovačka, Našice	14,500,000
2.	"Pramen", monthly	9,800,000
	TOTAL 1-2	24,300,000

The Slovene community

Community of Slovenes in the Republic of Croatia, Rijeka	29,200,000

The National University Library - Zagreb, received 34,100,000 HRD for the activities of the central library for Hungarians, Czechs, Italians and Serbs.

The total for the communities, from the Jewish community to the National University Library - Zagreb, is 239,300,000.

The Government Office for Inter-Ethnic Relations received 30,000,000 HRD.

State bodies for the protection of minority and other rights

24. The State Commission for Normalization of Croatian-Serbian Relations has been established by the Defence and National Security Council which is the principal advisory body of the President of the Republic. This Commission is designed to enhance the mediation and negotiating process at the political and diplomatic level.

25. The Government Office for Inter-Ethnic Relations was established in 1991 to facilitate activities, research and development of government policy and to help implement harmonious inter-ethnic relations in the Republic of Croatia. The Office for Inter-Ethnic Relations proposes measures for the realization of the rights of ethnic and national communities and minorities specified in the constitutional and legal framework, and supervises compliance with obligations assumed under international treaties and other instruments dealing with the protection of national, religious, cultural and other rights of minorities. A key function of the Office is to collect information and statistics relating to the condition of minority rights in the Republic and to present proposals concerning the application of certain models that have been demonstrated as workable. The Office also makes proposals concerning the raising of funds and resources that are necessary for the implementation of constitutional rights of ethnic and national communities or minorities.

26. A council of representatives of ethnic and national communities or minorities has been established within the framework of the Office for Inter-Ethnic Relations. Each ethnic and national community or minority has a right to nominate one representative. The Council is a forum to discuss all relevant issues concerning minority rights and deliberate on laws and regulations dealing with minority rights drafted by the Government or the

Parliament of the Republic of Croatia. The Council has served as an important forum to discuss a plethora of important questions and has served as a form of direct participation of minorities in approaching particular issues.

27. The House of Representatives of the Parliament of the Republic of Croatia has established a Committee on Human Rights and Rights of Ethnic and National Communities or Minorities. The task of the Parliamentary Committee is to determine and monitor the implementation of policy pertaining to minority and human rights. The Committee also actively takes part in the procedure of the House of Representatives in elaborating laws ... the field of human rights. The Committee on Human Rights and Rights of Ethnic and National Communities or Minorities is reposed with the rights and obligations of a parent working body in the spheres pertaining to the implementation of international law governing the protection and promotion of human rights, the realization of minority rights, international agreements and programmes facilitating international cooperation and understanding in the domain of culture, education and scientific exchange enhancing the individual interests of particular ethnic and national communities or minorities.

Article 3

28. The Republic of Croatia condemns racial segregation and apartheid, which do not exist in the territory under control of the Government of the Republic of Croatia. Article 39 of the Constitution of the Republic of Croatia, article 62 of the Constitutional Law on Human Rights and the Criminal Law prohibit all practices based on racial discrimination. The Republic of Croatia has also become a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports which, in accordance with article 134 of the Constitution of the Republic of Croatia, are a part of the domestic law of Croatia.

29. The Republic of Croatia is committed to the complete elimination of the apartheid system in South Africa. It supports the policy of President Frederick W. De Klerk and his determination to eliminate racial discrimination and apartheid in South Africa. It also strongly supports the establishment of negotiations between the South African parties with the aim of finding a political solution to any internal conflicts and the adoption of a political system which will guarantee and ensure to all racial groups equal enjoyment and exercise of all human rights and fundamental freedoms.

30. Diplomatic relations between the Republic of Croatia and South Africa were established on 12 August 1992. The establishment of the diplomatic relations between two countries was important since there is a significant number of emigrants from Croatia (7,000) living in South Africa. The Republic of Croatia has appointed its plenipotentiary representative to South Africa; for the time being, it has an office in this country.

Article 4

31. Notwithstanding the direct application of the Convention in its legal order, Croatia has enacted necessary legislation as called for by article 4 of the Convention.

32. Article 39 of the Constitution of the Republic of Croatia prohibits any call for or incitement to war or resort to violence, national, racial or religious hatred, or any form of intolerance. Article 20 of the Constitution expresses the principle of personal responsibility for the violation of the constitutional provisions concerning the fundamental freedoms and human rights under which a perpetrator of an offence may not exculpate himself by invoking an order of his superiors.

33. Article 62 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia declares that:

> "Under the criminal code of the Republic of Croatia, every action, organization or accomplice with the action which could endanger the existence of certain national and ethnic community or minority, or provoke national hatred, conducive to discrimination or putting into an unequal position is forbidden and punishable."

34. Acts of violence and incitement to racial discrimination are prohibited by articles 133 and 142 of the Basic Criminal Code and article 45 of the Criminal Code of the Republic of Croatia. Article 133 of the Basic Criminal Code of the Republic of Croatia reads:

> "Anyone violating, on the basis of different race, colour, nationality or ethnic origin, the basic human rights and freedoms recognized by the international community, shall be punished by a prison term from six months to five years.
>
> "Anyone persecuting organizations or individuals for advocating the equality of people shall be punished by the punishment from paragraph 1 of this article.
>
> "Anyone spreading ideas of superiority of one race over another, or promoting racial hatred, or instigating racial discrimination, shall be punished by a prison term from three months to three years."
>
> Article 45 of the Criminal Code of the Republic of Croatia reads:
>
> "Anyone denying or restricting, on the basis of different nationality, race, colour, confession, ethnic origin, sex, education, social status, social origin or wealth the freedom and rights of man and citizen determined by the Constitution, law or other legal provisions or by-law, or anyone who on the basis of the above-mentioned differences grants privileges or favours to citizens, shall be punished by a prison term from three months to five years.
>
> "Anyone who in contradiction to regulations on the use of language and script, denies or restricts the right of citizens to use a certain language or script, shall be punished by a prison term up to one year."

The incidence of human rights abuses

35. Major consequences of the war of aggression against Croatia, had been an enormous number of major human rights violations in the UNPAs and "pink zones" and an increase in criminal acts and atrocities in the areas of Croatia under the control of the Government. This is of particular concern to the Government and other relevant bodies. The complicity of Croatian armed forces or others in human rights violations have been condemned and the Croatian Government treats every allegation with the greatest seriousness and has been diligent in prosecuting the culprits. The Republic of Croatia has also made public its documents and files on war crimes against Croatian citizens during Serbian aggression. The Governmental Office for Inter-Ethnic Relations reported that most incidents occurred in reaction to aggression and atrocities committed by Serbian paramilitary forces and the so-called Yugoslav Army.

36. Allegations of violations of human rights are checked promptly by the Croatian authorities and, subsequent to their verification, criminal proceedings are initiated against the person or persons suspected of committing the crime. According to the Attorney-General of the Republic of Croatia, there was no case in which suspected persons were exempted from criminal proceedings.

37. At present, courts are dealing with 93 cases of war crimes; 8 cases of transgression of the inviolability of the home; 86 cases of terrorism; 19 cases of incitement to national, racial and religious hatred; 6 cases of instigation of ethnic animosity, 6 cases of violent behaviour against members of national minorities; 3 trials are pending for maltreatment of prisoners of war.

38. However, the special circumstances of Croatia's current situation must be noted: the war against the Republic of Croatia and the strong propaganda of the Serbian policy and aims of occupation leading to suspicion and false allegations and emphasizing unconfirmed facts. Some of the allegations concerned grave breaches of humanitarian law such as murder and intentional killings of the Serbian population in the village of Kašić and Smoković on 23 January 1993 and unlawful occupation of empty Serbian apartments. This was alleged by Amnesty International in a letter of 1 February 1993. The Deputy Prime Minister of the Republic of Croatia replied to Amnesty International pertaining to questions concerning human rights violations and war crimes committed on Croatian territory and the operations of the Croatian army and the criminal and civil legal system (see the appendix). The letter demonstrates the policy of the Croatian Government and the approach of the judiciary to such very important questions. It is worth paraphrasing the most important facts cited in the letter.

39. After the investigation of the alleged violation in the villages Kašić and Smoković, it was discovered that the allegations were unfounded and that in the regions in and around these villages and, otherwise, in the zone of military operations there were no killings, either intentional or unintentional, of Serbian civilians. The displaced Serbian population from the aforementioned villages has hotel accommodation on Pag island and has received the same treatment as the displaced Croats, including the same rights and protection.

40. Members of the insurgent Serbian paramilitary troops, who were active and captured in the zone of the military operations, are in military detention centres, under investigation. Lawyers for the defence have already been appointed and the defendants have been supplied with medical care, clothes, food and all the rights and protection mandated by the provisions of the Geneva Conventions. The wounded Serbs have been accommodated in hospitals and have received medical treatment in accordance with the highest standards. The dead members of the rebellious Serbian paramilitary troops are methodically registered, identified and buried in a civilized manner.

41. In accordance with the laws of the Republic of Croatia and decisions of the administrative and judicial branches, people who occupied apartments without valid legal foundation are liable to eviction. At the same time, empty and abandoned apartments have been given on a temporary basis to the families of killed soldiers, refugees and displaced persons.

42. In the areas adjacent to UNPAs and "pink zones" (there are approximately 30,000 displaced persons and 1,000 families of killed Croatian soldiers in Osijek), there have been individual cases of transgression of lawful authority in implementation of decisions on allotting vacant apartments. The Ministry of Defence and Ministry of Justice promptly oversaw the implementation of a Law on Temporary Use of Apartments in Public Ownership and responded to the cases in question.

43. The State Attorney's Office of the Republic of Croatia has also sent written instructions to all the military prosecutors on the need for immediate reaction to all violations of such laws, and has issued warning to all the commands of military police to adhere strictly to the law with regard to the proceedings. Military Police Command forwarded a precise order to all the units of military police about the obligatory proceedings of military police members during interventions.

Prohibition of political parties

44. Article 43 of the Constitution of the Republic of Croatia stipulates terms whereby the right to free association may be curtailed, namely if association is a threat to the democratic constitutional order, or the independence, unity and territorial integrity of Croatia. Political parties or other organizations may be banned under article 6 of the Law on Political Organization if the political party seeks to impair or abolish in a violent manner the democratic constitutional order or the independence, unity and territorial integrity of Croatia. The Constitutional Court of Croatia supervises the constitutionality of the programmes and activities of political parties. The procedure for prohibiting the work of a political party is initiated by the application of the President of the Republic of Croatia, Parliament, Government, the Supreme Court, the Attorney-General or Ministry of Administration (as the body where political parties are registered).

45. Since the enactment of the Law on Political Organizations (1990) no political party has been banned. However, in 1992 the Attorney-General has submitted two applications to the Constitutional Court to rule on the legality of the activities of two political parties, the Serbian Democratic Party and Croatian Party of Rights.

Endeavours to prosecute war criminals

46. In order to promote national tolerance and institutionalize confidence-building measures, the Croatian Parliament has enacted the Amnesty Law on Criminal Offences committed during Armed Conflicts and War Against the Republic of Croatia (25 September 1992) (see appendix). This law grants an amnesty to all persons who have taken up arms against the Republic of Croatia unless they have been found guilty of war crimes. Pursuant to this law, proceedings against 3,182 individual cases have been suspended (2,393 Serbs, 293 Croats and 496 others). The President of the Republic of Croatia has pardoned 86 convicted persons of Serbian nationality, according to information provided by the Ministry of Justice valid as at 20 July 1993.

47. The Republic of Croatia supports the efforts of the United Nations and the entire international community to punish persons responsible for war crimes. Croatia is determined to punish all perpetrators of grave breaches of humanitarian law committed by its citizens or committed on its territory. Consequently, the Government of the Republic of Croatia strongly supports the establishment of an international tribunal for war crimes committed on the territory of former Yugoslavia since 1991. The Republic of Croatia actively cooperates with the United Nations Commission of Experts in examining the war crimes committed on the territory of former Yugoslavia and has facilitated the forwarding of evidence of crimes committed in the war against Croatia and Bosnia and Herzegovina.

48. The Government of the Republic of Croatia passed a decree on the establishment and work of the Commission on War Crimes, whose primary task is to collect data on war crimes and war criminals in the war against Croatia. This information will eventually be used at the international war crimes tribunal and other relevant international bodies.

49. The Commission will collect all information relating to war crimes and human rights violations available to Government and non-governmental institutions in the Republic of Croatia. The Commission will inform the Croatian Government at a minimum of every three months on its progress. The Commission is composed of eminent legal practitioners and scholars, judges and attorneys, representatives of several ministries and university professors.

Article 5

50. The Constitution of the Republic of Croatia, the Constitutional Law on Human Rights and other laws guarantee the right of every person without regard to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other property, equality before the law and the enjoyment of the rights referred to in article 5 of the Convention. The laws and regulations in Croatia provide for equality under the law, as described in the following paragraphs.

51. The right to equal treatment before tribunals and all other organs administering justice is guaranteed by article 26 of the Constitution. The Constitutional Court is at the moment dealing with 26 constitutional complaints submitted because of alleged infringements of that article.

52. The right to security of the person and protection by the State against violence or bodily harm is guaranteed by the Constitution, articles 21 and 22 which provide that the right to life is inviolable; deprivation of liberty is forbidden, except when so specified by the law and decided by a court. The Constitution guarantees to all citizens respect for and legal protection of personal and familial life, dignity, reputation and honour (art. 35). Individuals are protected from any form of maltreatment or medical or scientific experiments without their consent; forced or obligatory labour is forbidden in Croatia (art. 23).

53. The Constitution of the Republic of Croatia, in articles 24, 25, 28 and 29, incorporates safeguards and protection from arbitrary arrest and guarantees the rights of the accused. Warrants are required for arrests. Under the Constitution every arrested person is entitled to a fair trail and to an attorney. There is presumption of innocence. Illegally obtained evidence is not admissible in court. Any person who has been illegally deprived of liberty or condemned illegally is entitled to compensation and a public apology. Thirteen constitutional complaints have been submitted because of the alleged breaches of the right to security of the person.

54. Fundamental human rights are systematically violated and treated with contempt within UNPAs and "pink zones". According to the official records of the Division of Information and Research, Ministry of Health of the Republic of Croatia (dated 21 January 1993) there were 23,167 wounded and 6,493 killed citizens of Croatia. Among these casualties, there were 6,786 wounded civilians and 2,198 killed civilians, while remaining casualties are represented by members of the Croatian defence forces. This information shows an unusually high proportion of civilians among the total casualties (one third of all wounded and killed persons). However, this data represent only a minimal number of firmly ascertained casualties (based on medical and autopsy records) and therefore they significantly underestimate the total number of casualties.

55. At least 1,000 Croatian civilians were massacred, summarily executed or brutally murdered by Serbian armed forces within the presently occupied territory of Croatia - the region of eastern Slavonia excluding Vukovar, western Slavonia, Banija, Kordun, Lika and Dalmatia. Additional killings of Croatian citizens (at least 500 victims) occurred in UNPA Sector East (Baranja and Vukovar) and Sector South (Benkovac; Zadar hinterland) after UNPROFOR had taken responsibility in those areas.

56. According to the official data there were at least 1,851 Croatian citizens killed in Vukovar. However, since there are still 2,600 missing or forcibly disappeared persons from Vukovar (who disappeared after the occupation of Vukovar by the Yugoslav Army - 303 of them disappeared directly from the Vukovar hospital), it is estimated that the total number of casualties in Vukovar is between 2,500 to 5,000 persons.

57. As consequences of the number of summary executions and arbitrary mass killings of Croatian civilians as well as captured Croatian soldiers, jointly committed by the Yugoslav Army and Serbian militia, there are at present a

number of mass graves within the occupied parts of Croatia - UNPA Sectors East, West, North and South, as well as the "pink zones". The exact number of mass graves and victims of summary executions is still unknown.

58. The total number of missing persons in Croatia is 13,788. The greatest number of missing persons is recorded in the following regions: East Slavonia 4,210 (2,600 from Vukovar alone); Banija and Kordun 1,079; Dalmatia 605; West Slavonia 592; Baranja 275; Lika 180.

59. According to the World Health Organization (WHO) criteria, 2,093 invalids of the war were classified, and a number of invalids of the war still remain to be fully analysed and classified.

60. Until December 1992 the Republic of Croatia recorded 5,261 persons released through exchanges from Serbian concentration camps and prisons (3,766 of them were residents of Vukovar).

61. One of the greatest threats to human rights in Croatia comes from terrorism and violations of the cease-fire arrangements. Article 236 of the Criminal Code of the Republic of Croatia prohibits terrorist activities which include intentional threatening of the constitutional legal order and security of the Republic of Croatia or inciting general fear amongst the citizens. Article 136 of the Basic Criminal Code prohibits any activity detrimental to another State or any use of force causing threat to life, property and liberty. The Croatian Government firmly believes that there should be no concessions to terrorist demands and that international cooperation is essential in tracking down and arresting terrorists and preventing terrorism.

62. The rights to participate in elections on the basis of universal and equal suffrage and to take part in the Government, as well as in the conduct of public affairs is guaranteed by the Constitution (arts. 44 and 45), the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethic Communities or Minorities (part IV - Proportional participation in representational and other bodies, part V - Districts (regions) with special self-governing (autonomous) status), the Law on the Election of Representatives in the Parliament (Sabor) (arts. 10, 13, 23, 26), the Law on Local Self-government and Administration (part III - Direct participation of citizens in decision-making).

63. Article 44 of the Constitution of the Republic of Croatia stipulates:

> "Every citizen of the Republic shall have the right, under equal conditions, to take part in the conduct of public affairs, and have access to public service."

Article 45 of the Constitution of the Republic of Croatia provides:

> "All citizens of the Republic who have reached the age of eighteen years shall have universal and equal suffrage. This right shall be exercised at direct elections by the secret ballot."

In elections for the Croatian Parliament and for the President of the Republic, universal suffrage of all citizens who at the time of the elections

find themselves outside the borders of Croatia is guaranteed, so that they may vote in the States in which they find themselves or in other ways specified by law.

64. Since 1990, three elections have been held. The right to vote is enjoyed by all persons residing in Croatia who in 1990 had been registered in the electoral list, regardless of their citizenship. This decision was important for members of the national minorities who used to be constitutive peoples of the former Yugoslavia (Serbs, Muslims, Slovenes, Macedonians, Montenegrins) but who still had not acquired Croatian citizenship.

65. Articles 60 to 65 of the Criminal Code protect the rights guaranteed in the electoral law; the protection of secret ballots and voting rights; prohibit abuse of the electoral law or rights; and protects the integrity of voting ballots.

66. Article 18 of the Constitutional Law on Human Rights regulates proportional participation of ethnic or national minorities in representative and other State bodies. National and ethnic communities or minorities who make up more than 8 per cent of the population of Croatia are entitled to proportional representation in the Parliament, the Government and in the supreme judicial and administrative bodies. Members of national or ethnic communities who make up less than 8 per cent of the population are entitled to elect a total of five representatives to the House of Representatives. Representation of a national minority in other government bodies than the Parliament is stipulated by the Law on Organization of the State Authorities.

67. According to article 10, paragraph 1, of the Law of the Election of Representatives in the Parliament, members of ethnic and national communities or minorities with a share of the population exceeding 8 per cent, as per the 1981 census, are entitled to be represented in the Parliament proportionally to their number in the overall population. The basis for the computation of their proportional representation in the House of Representatives is the number of 120 representatives in the House. This right is only enjoyed by the members of the Serbian minority as the largest minority in Croatia. The Serbian national community makes up 11.5 per cent of the population on the basis of the 1981 census.

68. In order to protect and ensure the right of the Serbian minority to be proportionally represented in the Parliament, the Constitutional Court on 6 August 1992 passed decision No. U-VII-233/1992 by which the criterion established by article 24, paragraph 4, of the Law on the Election of Representatives in the Parliament was corrected and article 18 of the Constitutional Law on Human Rights was directly applied. Article 24, paragraph 4, of the Election Law stipulates that "the list obtaining less than 3 per cent of votes in an election, shall not participate in the share of representative seats". In the multi-party elections held in Croatia on 2 August 1992, the Serbian People's Party, the only political party exclusively representing the Serbian minority, received less than 3 per cent. If the criteria of article 24, paragraph 4, of the Election Law were applied, the Serbian People's Party would not have the right to be represented in the

Parliament. The Constitutional Court, honouring a request by the Serbian People's Party, decided that the criteria should not apply to the list of the national parties, because

> "the opposite opinion would lead to an unequal position of members of ethnic and national communities or minorities which make up more than 8 per cent of the population of the Republic of Croatia, in comparison with the position of members of minorities which make up less than 8 per cent of the population, for whom the Constitutional Law on Human Rights provides a specific way of electing representatives in the Croatian Parliament".

In this way, article 18 of the Constitutional Law was directly applied and the Serbian minority received 13 seats in the House of Representatives (see appendix).

69. Minorities accounting for less than 8 per cent of the population are entitled to a total of five representatives in the House of Representatives who represent all national and ethnic communities and who are obliged to protect their interests (art. 18, paras. 2 and 3 of the Constitutional Law on Human Rights). Article 10 of the Law on the Election of Representatives in the Parliament provides that these minorities are entitled to elect at least five representatives to the House of Representatives and that one of them shall have to be elected by the members of each (Hungarian, Italian, Czech and Slovak, Ruthenian and Ukrainian, German and Austrian) minority. If the representation of ethnic and national communities and minorities, as required under article 10, is not reached in the elections for the representatives in the House of Representatives, the number of the representatives will be increased up to the number which is needed for the required representation to be attained, and the members of a certain community or minority who have been put up on a State list but who have not been elected, will be considered as elected in the order corresponding to the proportional success of each individual list in the elections. If it is not possible to attain the required representation of the minorities in this way, the President of the Republic of Croatia shall call by-elections which will take place within 60 days of the date of the first session of the newly elected houses of the Parliament (art. 26 of the Election Law). At the second multi-party elections the minorities accounting for less than 8 per cent of the population received five seats, in accordance with article 10.

70. Croatia recognized the principles and provisions of the European Charter of Local Self-government (1985) which was adopted by the Parliament of the Republic of Croatia on 28 December 1992. The Charter as implemented in Croatia serves to protect the local interests of its citizens and to satisfy particular local needs, and to implement these through its system of local self-government and State administration. The Constitution of the Republic of the Croatia, in article 128, guarantees the right of every citizen to local self-government, which includes the right to decide on the needs and interests of local significance, particularly housing, public utilities, child care, social welfare, culture, physical culture, sports, and the protection of the environment.

71. Members of ethnic and national communities or minorities in Croatia are entitled to be represented in local self-government bodies in proportion to their share in the total population of the local self-governing unit concerned (art. 14 of the Constitutional Law on Human Rights). Special status is granted to local units in which the Serbs constitute an absolute majority of the population. This embraces 11 municipalities: Knin, Obrovac, Benkovac, Gračac, Titova Korenica, Donji Lapac, Glina, Vrginmost, Hrvatska Kostajnica, Dvor na Uni and Vojnic. These municipalities are grouped into two districts. The rights of the ethnic and national communities or minorities in municipalities with significant minority representation in the population outside the special statute districts are regulated by respective statutes. The relevant municipalities are as follows: Daruvar, Grubišno Polje, Garešnica, Pakrac, Virovitica, Beli Manastir, Donji Miholjac, Đakovo, Našice, Osijek, Požega, Vinkovci, Novska, Vukovar, Buje, Cres-Lošinj, Labin, Novigrad, Opatija, Pula, Poreč, Rijeka, Rovinj and Umag. Commissions established by municipal assemblies supervise the implementation of minority rights in the relevant areas.

72. Article 26 of the Constitutional Law on Human Rights stipulates that special statute districts are independent in deciding and administering affairs within their sphere of competence, e.g. land-use planning and urban development, promotion of the development of economic activities, construction and maintenance of communication networks, environmental protection, health care and rehabilitation, preservation and protection of the cultural heritage of national and ethnic communities, and special care for implementing the human and minority rights of all inhabitants as well as special protection for the inhabitants ethnically and nationally different from the majority communities. Municipal and district (or appeal) courts adopt decisions in cases within the sphere of competence of the district.

73. Provisions on the special statute districts are not yet in effect due to the war in Croatia and the occupation by Serbian forces of territories in which the Serbian minority comprised a majority on the bases of the 1981 census. But the Croatian Government remains firmly committed to continue to negotiate with the rebellious Serbs on reaching agreements on confidence-building measures, and to offering and granting full protection of minority rights, including local autonomy for the Serbian majority in Glina and Knin Districts. The President of the Republic of Croatia, Dr. Franjo Tudman, has repeatedly stressed that the Croatian authorities are open to peaceful solutions through cooperation with all people of good will.

74. Anyone who lawfully finds himself on the territory of Croatia has the right freely to move and choose a residence. Every citizen has the right at any time to leave the State territory and to settle abroad permanently or temporarily, and at any time to return home. The right of movement and the right to enter or leave Croatia may be restricted by the law, if it is necessary to protect the constitutional legal order, or the health, rights and freedoms of others (art. 32 of the Constitution).

75. The war in Croatia since mid-1991 has resulted in the violation of the exercise of these rights by many citizens of Croatia. One quarter of Croatia is under Serbian occupation or placed under the control of UNPROFOR by Security Council resolution 743 (1992). UNPAs and "pink zones" have been

subjected to "ethnic cleansing" of their non-Serbian inhabitants. The ethnic cleansing of Croatia began in the summer of 1991 in the region of eastern Slavonija, Banija, Kordun, Knin, Obrovac, Drniš and Benkovac. Over 350,000 citizens were displaced and forced to flee. Hitherto, almost no displaced person has returned to his/her home. The only signs of progress can be seen in UNPA Sector West where about 2,500 Serbs have returned to their homes, 2,000 visits have been organized and plans for the return of 800 to 900 Croats and 500 to 600 Serbs are being made with the assistance of the Government of the Republic of Croatia and in cooperation with UNHCR.

76. It has been confirmed that 7,335 civilians have been forcibly expelled from the temporarily occupied territory of the Republic of Croatia and 202 civilians - members of the Croatian population - were killed since the territory was put under UNPROFOR. It is estimated that the real number of killed Croats is between 500 and 1,000 in that period of time.

77. Several prison camps have been registered on the temporarily occupied territory of the Republic of Croatia, where the prisoners, members of Croatian and other non-Serbian populations, are being physically and psychologically tortured. In the prison camp of Glina, which is located in the building of the former juvenile delinquency centre (one part of the building is occupied by members of UNPROFOR), there are still 11 Croats and 32 Muslims exposed to serious physical and psychological torture. 3/

Information on human rights abuses in UNPAs for the period between April 1992 and July 1993

Sector	Forcibly banished civilians (escorted by UNPROFOR* and UNHCR)	Murdered	Raped	Ill-treatment and other abuses
East	2 950	132	5	572
West	28	2	-	24
North	494	25	5	2
South	6 526	114	-	42
Total	9 998	273	10	640

* Without the assistance of UNPROFOR an additional 13,470 persons were banished from the UNPAs and "pink zones". Hitherto, 23,470 persons had fled from the UNPAs and "pink zones" since they were put under the control of UNPROFOR.

Asylum

78. Article 33 of the Constitution of the Republic of Croatia provides that foreign citizens and stateless persons may obtain asylum in Croatia if they are not prosecuted for non-political crimes and activities contrary to the

basic principles of international law. The Croatian Constitution guarantees to foreign citizens and stateless persons who legally find themselves on the territory of Croatia the right not to be extradited to another State unless a decision is made in accordance with a treaty or law is to be enforced.

79. Since the beginning of the Serbian aggression against the Republic of Bosnia and Herzegovina, Croatia has accepted large numbers of refugees and provided them with shelter, food, health care and education for their children. It should be emphasized that the Republic of Croatia accepts and gives shelter to every refugee regardless of his ethnic origin and remains the only European country whose borders are wide open to all endangered and victimized people.

80. According to the report of the Croatian Government's Office for Displaced Persons and Refugees, 545,000 persons have passed through Croatia on their way to other countries: 320,000 to European Community member countries (230,000 Germany); 70,000 to Austria; 70,000 to Slovenia; 25,000 to Switzerland; 20,000 to Hungary; 15,000 to Sweden and 25,000 to other countries.

81. To provide displaced persons and refugees with shelter, health care and medicines, in 1992 Croatia spent the following amounts:

Displaced persons	607,571,952 Ecus	(8.9 Ecus person/day)
Refugees	572,272,265 Ecus	(5.4 Ecus person/day)
Total	1,179,844,217 Ecus	

Moreover, the Croatian Government has spent from its budget 22,360,000 Ecus for education for refugee children and 54,841,583 Ecus for complete primary health care for Bosnian refugees (7,515,930 for primary health care for 311,000 refugees; 10,963,033 for specialized non-hospital treatment; 3,922,701 for dialysis for 228 refugees; 21,792,893 for treatment in hospitals and 10,561,026 for drugs).

82. According to article 3 of the Law on Croatian Citizenship (Nationality), Croatian citizenship can be acquired by origin; by birth on the territory of the Republic of Croatia (if both the child's parents are unknown or are persons whose citizenship is unknown or who are Stateless persons), by naturalization, and according to international treaties. According to article 4, Croatian citizenship is acquired by origin if at the time of the birth of a child both parents were Croatian citizens, if one of the child's parents was a Croatian citizen and the child was born on the territory of Croatia or if one of the child's parents was a Croatian citizen while the other was a stateless persons or a person whose citizenship was unknown, and the child was born outside of Croatia.

Information on refugees and displaced persons, by ethnic origin, as of 19 July 1993

Displaced persons		
Ethnic origin	Number	%
Croats	197 841	92.82
Serbs	6 090	2.86
Hungarians	3 574	1.68
Muslims	1 604	0.75
Ruthenians	601	0.28
Undeclared	585	0.27
Czechs	373	0.17
Albanians	371	0.17
Unknown	292	0.14
Slovenians	276	0.13
Slovaks	231	0.11
Germans	178	0.08
Ukrainians	178	0.08
Italians	170	0.08
Yugoslavs	140	0.07
Montenegrins	139	0.07
Macedonians	121	0.06
Foreigners	114	0.05
Roma (Gypsies)	49	0.02
Russians	46	0.02
Jews	40	0.02
Poles	35	0.02
Austrians	31	0.01
Greeks	27	0.01
Bulgarians	23	0.01
Romanians	14	0.01
Turks	5	0.00
Total	213 148	100

Information on refugees and displaced persons, by ethnic origin, as of 19 July 1993 (continued)

Refugees		
Ethnic origin	Number	%
Croats	75 906	59.40
Muslims	50 491	39.51
Others	609	0.48
Serbs	522	0.41
Albanians	157	0.12
Hungarians	58	0.05
Macedonians	22	0.02
Montenegrins	15	0.01
Total	127 780	100

83. After the dissolution of former Yugoslavia, persons who belonged to the peoples which were constitutive peoples of the Socialist Federal Republic of Yugoslavia and who resided in Croatia but did not have Croatian citizenship had to apply for Croatian citizenship. Lack of proper facilities and difficulties in obtaining relevant data, which were often not available to Croatian authorities, resulted in some applicants having to wait longer than stipulated by the law.

84. Under the policy set up by the Government only the applicants who actively participated in the aggression of the Yugoslav Army against Croatia have been refused citizenship. Since there were unjustified allegations of ethnic discrimination in confirming citizenship, the Croatian Government invited a group of representatives from the Council of Europe to investigate the situation. In July 1993, representatives of the Council of Europe visited Croatia and investigated the disputed cases.

85. A recent report of the Ministry of Internal Affairs stated that 417,957 applications for the acquisition of Croatian citizenship and 4,401 applications for termination of Croatian citizenship had been filed by 6 July 1993. Of the received applications for citizenship 415,324 have been acted upon, whereas 2,633 are under consideration. Of the former, 394,733 positive decisions and 20,591 negative decisions have been issued.

86. Applicants for Croatian citizenship who have been rejected by the Ministry of Internal Affairs have the right to appeal against the decision (art. 7 of the Law on Administrative Dispute). According to the latest report by the Administrative Court of the Republic of Croatia regarding cases (administrative disputes) involving admittance to Croatian citizenship in the course of 1992 and 1993, 8,802 appeals have been filed with this Court against the Ministry of the Interior requesting annulment of the

application rejections. Out of those, 1,001 appeals have been sustained in the administrative review process, 154 appeals have been rejected, 22 complaints have been rejected on procedural grounds, 1,775 appeals have been dismissed by the Court because the Ministry had changed its decision.

Survey of received and acted upon applications, by ethnic origin, as of June 1993

Ethnic origin	Received	Acted upon	
		Accepted	Rejected
Albanians	8 129	5 948	2 253
Austrians	21	16	5
Bulgarians	205	178	22
Montenegrins	3 872	3 624	260
Czechs	239	172	25
Greeks	29	21	8
Croats	269 455	255 692	543
Italians	176	96	45
Jews	105	102	10
Yugoslavs	15	10	5
Hungarians	2 857	2 353	364
Macedonians	4 032	3 651	382
Muslims	32 240	26 206	6 288
Germans	255	182	56
Poles	134	84	19
Roma (Gypsy)	672	444	178
Romanians	136	106	24
Russians	157	106	24
Ruthenians	272	249	29
Slovaks	523	438	55
Slovenes	9 513	8 993	429
Serbs	52 369	45 890	6 545
Turks	150	125	26
Ukrainians	592	511	70
Vlachs	8	6	2
Undeclared	704	620	67
Others	116	51	31
Unknown	23 194	19 489	2 500
Foreigners	7 776	4 594	326

Source: Ministry of Internal Affairs.

87. The right to ownership is guaranteed by article 48 of the Constitution of the Republic of Croatia. Ownership may, in the interest of Croatia, be restricted by law, or property taken over against indemnity equal to its market value (art. 50, para. 1, of the Constitution).

88. The right of ownership is being gravely restricted in the UNPAs and "pink zones". Banishment of the Croatian population from these territories was preceded by organized daily fires and mining of houses, illegal detention and plunder of property. Many Croats and other citizens of Croatia, before fleeing from their centuries-old hearths, were forced to sign various receipts issued by the self-appointed local Serbian authorities, by which they left all the movable and immovable property at their disposal in the ownership of the so-called "SAO Krajina". It is estimated that approximately 240,000 houses have been destroyed since the beginning of the war as a result of military operations. Some 4,000 houses owned by persons of Serbian nationality have been destroyed, mostly in the areas affected by artillery bombardments. The Croatian authorities strongly condemn such acts and undertake measures to prevent this kind of activity and to prosecute the perpetrators.

89. Article 40 of the Constitution of the Republic of Croatia guarantees freedom of conscience and religion. Religious communities are free to conduct public religious services and to open schools and social institutions. In the primary and secondary schools religion is being taught since 1991 as an optional subject. During the 1992/93 school year, members of many religious communities, e.g. the Catholic Church, Serbian Orthodox Church, Islamic religious community, Jewish community, Adventist Christian Church, Church of Jesus Christ, the Evangelist Church, the Baptist Church, Evangelist Church and the Church of God, were able to attend instruction in their respective religion. This programme is financed by the Croatian Government. Article 212 of the Criminal Code ensures the freedom of religious services.

90. According to article 47 of the Constitution, conscientious objection is allowed to all those who for religious or moral beliefs are not willing to participate in the performance of military duties in the armed forces. A number of appeals are pending before the Constitutional Court for changing article 14 of the Law on Defence which limits conscientious objection only to conscripts. The Court decided to hear the case by its decision U-I-20/1992.

91. Article 38 of the Constitution of the Republic of Croatia guarantees the freedom of opinion and expression of thought. Journalists have the right to freedom of reporting and access to information and censorship is strictly forbidden. The right to correction shall be guaranteed to anyone whose constitutionally determined rights have been violated by public communication.

92. There are some restrictions protecting official State secrets and laws concerning civil defamation, criminal libel, obscenity, sedition, incitement to racial hatred and contempt of court. It is a criminal offence to publish certain classes of official information, disclosure of which would cause unacceptable harm to the public interest on security or other grounds. The courts have jurisdiction to determine whether harm is likely to arise as a result of such disclosure.

93. In the Republic of Croatia there is no State monopoly or censorship of the press. The diversity of the press in Croatia caters for a variety of

political views, interests, communities and levels of education. Particular political persuasions and views are expressed and it is possible to discern the political leanings of particular newspapers. None of the major daily or weekly newspapers is owned or published by the main political parties. Foreign language papers are freely imported. There is also a plethora of newspapers falling under the rubric of "ethnic press" that caters for the minorities.

94. Broadcasting and mass communication is governed by the Media Act, article 3 of which stipulates that the media shall be free and that the freedom of the media includes the freedom to express thoughts and to collect, investigate, release, spread and receive information. It also includes the freedom to establish enterprises and institutions in the publishing, information, broadcasting and film industries. Article 3 affirms the rights and freedoms of every individual or corporate body to publish printed matter, broadcast radio and television programmes and produce other mass media, in compliance with the provisions of the statute. Article 6 states that every citizen shall have the right to the protection of privacy, dignity, reputation and honour. The media, under article 7, is obliged to publish accurate, complete and timely information. Article 8 states that the State shall support diversity of the press and other media, as well as diversity of ideas and opinions in mass media. Decisions on financial support to the press and other mass media shall be made public. The State financially supports press and other media in the languages and scripts of national communities or minorities, as well as provides conditions for media publication aimed at persons with special needs, and for members of other social and cultural groups.

95. Broadcasting in Croatia is based on the notion that it is a public service accountable to the people through the Parliament. The Croatian Radio-Television Act governs public radio and television and sets up Croatian Radio-Television from the former Radio Zagreb and Television Zagreb companies and the Transmitters and Links Working Organization. The Croatian Radio-Television Act defines the activity of HRTV in the broadcasting field and in the maintenance and development of the transmission infrastructure. The Act sets out to establish HRTV as a public broadcasting organization and the statutory provisions regulate the programming obligations, administration and management and revenue. The Act also establishes a Radio-Television Council of 35 members, 15 of whom are appointed by the Parliament, proportionate to the party structure in the Parliament; 10 further members are selected from within the broadcasting organization itself and the remaining 10 members are nominated by a variety of non-governmental organizations. These members represent socially relevant groups from the fields of science, culture and religion. The task of the council is to establish the programming orientation of the radio and television programmes and to evaluate its realization.

96. There are a number of independent radio and television stations in Croatia, the most popular being the Youth Television (OTV).

97. The policy of the Croatian radio and television programmes is uniform as to the elimination of racial discrimination in all its forms and there are no reported examples of racial discrimination or incitement to racial discrimination or racial hatred. The Constitutional Law on Human Rights,

under article 6, guarantees members of all national or ethnic communities "the protection of equality in participation in public affairs" including "access to the media". Article 10 of the Law stipulates that members of national and ethnic communities or minorities are free to organize informative and publishing activities in their native language and alphabet. Funding and financial assistance for the realization of such rights are to be provided by the Republic of Croatia and local self-governing bodies, depending on financial resources. The Media Act stipulates in article 8 that "the State shall financially support press publication and other media in the languages and scripts of national communities or minorities" and this obligation is not conditioned on resources being available.

98. There are no complete records of the extent of financial support for the press of the various minorities in Croatia. The 16 minorities in Croatia have their own newspapers and HRTV makes television studios available for a weekly one-hour programme for minorities (on a rotation basis) and local radio broadcasts in minority languages are provided through the HRTV network. The capacity of minorities to broadcast has been impaired by the large-scale destruction of transmitters at the height of Serbian aggression.

99. Article 43 of the Constitution of the Republic of Croatia guarantees citizens the right to free association for the purposes of protection of their interests or promotion of social, economic, political, national, cultural and other objectives. For this purpose, citizens may freely form political parties, trade unions and other associations.

100. In Croatia 54 political parties are currently registered. Ten political parties are represented in Parliament. Although promotion and protection of human rights and the rights of minorities have a significant place in the programmes of all political parties, some members of certain national and ethnic communities feel that their specific political interests and views can be protected only through national political parties. Consequently, there are 10 national political parties: Croatian Islamic Democratic Party, Bosnian Democratic Party, Party of Democratic Action - Croatian Branch, Democratic Community of Muslims in Croatia, Democratic Union of Albanians in Croatia, Albanian Demo-Christian Party, Albanian Islamic Democratic Union, Serbian People's Party, Hungarian People's Party, Party of Roma in Croatia. These national parties freely promote and protect the political interests and needs of the members of ethnic or national minorities in Croatia.

101. The community of the Serbian people in Croatia has formed two political organizations: the Serbian People's Party and the Serbian Democratic Forum. The most active Serbian political organization is the Serbian People's Party (SNS) which has elected representatives in the Croatian Parliament. Mr. Milan Đukić, the President of the party, is one of three Vice-Presidents of the Parliament. The party was founded on 18 May 1992 and a statute which outlines its basic goals was also adopted. The party objectives include the realization of the political interests and rights of the Serbian minority in Croatia and the maintenance of peaceful coexistence with all citizens of the Republic of Croatia. The statute of the party permits and envisages cooperation or coalition with other political parties. The party has a number of local offices in Zagreb, Grubišno Polje, Slavonski Brod, Daruvar, Sisak, Karlovac, Rijeka and Lošinj. Interim committees exist in Virovitica, Daruvar,

Karlovac, Rijeka and Lošinj. Interim committees exist in Virovitica, Daruvar, Donji Miholjac, Našice, Slavonska Požega, Nova Gradiška, Ivanić Grad, Ogulin, Opatija, Pula and Šibenik.

102. The Serbian People's Party has been active in governmental and non-governmental institutions to promote ethnic harmony and understanding. The party proposed a strategy "To Restore Peace and Stability in a Democratic and Legal Way". The core themes of the proposal emphasized that the Amnesty Act has created the necessary conditions for the realization of a durable peace and the rule of law on the entire territory of the Republic of Croatia. This affirmation is the result of personal contacts the Serbian People's Party has made with people of Serbian ethnic origin living in some of the temporarily occupied areas.

103. Since 1990 many non-governmental organizations (NGOs) have been formed and registered in Croatia. They play an essential role in monitoring and investigating violations of human rights. Moreover, Croatian human rights organizations play an important role in raising international public awareness of human rights abuses committed by the Serbian armed forces both in Croatia and Bosnia and Herzegovina. The major NGOs in Croatia are: Medical Centre for Human Rights, European House Zagreb, Democratic Club for Central and Eastern Europe, Croatian Association for Protection and Promotion of Human Rights, Centre for Peace and Human Rights - Anti-War Campaign in Croatia, Citizens Initiative for Free Expression, Centre for the Women Victims of the War, Dalmatian Solidarity Committee, Rainbow, Zagreb Anarcho-pacifist Organization, Green Action Zagreb, Zagreb Women's Lobby, Croatian Association for the Protection of the Rights of Children, Croatian United Nations Club, Croatia Doctors for Peace, Mothers for Peace, Croatian Humanitarian Forum, Kareta, Croatian Organization of Young Europeans, New Society, Croatian League for Peace, Croatian Committee for Human Rights, Society for the Complete Development of the Individual, Amnesty International - Rijeka, Helsinki Federation for Human Rights - Zagreb and the Croatian Victomological Society.

104. With the help of Croatian women and the NGOs Kareta and Mothers for Peace from Zagreb, female refugees from the Republic of Bosnia and Herzegovina formed their own NGOs (Women of Bosnia and Herzegovina and Pearl) and registered them in Croatia, with the aim of helping female victims of mass rape and torture.

105. In addition to the aforementioned NGOs there are 124 associations registered in Croatia that promote and protect national, social, economic and cultural objectives. Since the outbreak of war, many humanitarian organizations have been registered, most of them by foreign citizens. A significant number of native clubs or communities have been established by refugees from Bosnia and Herzegovina.

106. In accordance with article 54 of the Constitution of the Republic of Croatia everyone has the right to work and freedom of work, freedom in choosing his/her vocation and occupation, and all fields of employment are accessible to everyone under equal conditions. Every employed person has the right to remuneration, ensuring for himself and his family a free and decent life (art. 55 of the Constitution).

107. The right to work is respected without any discrimination as to national or ethnic origin, but the enjoyment and exercise of this right has been severely restricted owing to the war and brutal Serbian aggression, as well as the problems that the Croatian economy faces during the transitional period of market reforms and global economic recession. As the result of the destruction of physical property (12 per cent of the total property of the Republic of Croatia), infrastructure and industrial plants, industrial production has dropped by 30 per cent in 1991 and 25 per cent in 1992; agricultural production has significantly dropped, since a large part of the fertile land is located in the occupied areas of Slavonia. Consequently, unemployment is at the highest level ever known in Croatia - 245,893 unemployed, which is 18 per cent of the total population. The average income dropped from 412 Ecus in 1989 to 61.8 Ecus in 1992.

108. The Republic of Croatia guarantees the right to work equally to all Croatian citizens and foreigners with permanent residence status in Croatia. All foreigners residing in Croatia on 8 December 1991 are entitled to have permanent residence status. According to the Law on the Employment of Foreigners (1992), foreigners who have permanent residence status may acquire permanent work permits (personal work permits), while other foreigners may attain temporary work permits for a maximum period of one year. Article 10 of the Law on the Employment of Foreigners (1992), regulates the right of refugees to acquire personal work permits. Acquisition of temporary work permits is not based on criteria relating to gender, race, class or any other category that would violate the provisions of the Convention.

109. According to a report of the Ministry of Labour and Social Welfare of 16 June 1993, 17,291 foreigners have submitted applications for work permits. As a result of the situation in the UNPAs, the guaranteed right to work has been systematically violated and the non-Serb population has been discharged from work.

110. Article 43, paragraph 1, of the Constitution of the Republic of Croatia guarantees the right to form and join trade unions. There is an active labour movement in Croatia with four national labour federations of trade unions: Alliance of Independent Unions of Croatia, Confederation of Independent Unions of Croatia, Croatian Alliance of Unions and Matica of Croatian Unions of Public Servants. Labour federations are independent of the Government and political parties. There are 159 trade unions which are not organized within one of the four labour federations. It is estimated that 620,000 workers have joined trade unions in Croatia. The Association of Labour Unions has become a member of the European Federation of Labour Unions.

111. Since the aggression against the Republic of Croatia, 240,000 houses have been destroyed. Consequently, many Croats and other citizens of Croatia were forced to leave their homes and at present they are accommodated in refugee sanctuaries.

112. Article 56 of the Constitution of the Republic of Croatia provides the right of the employed and of the members of their families to social security and social insurance.

113. Rights related to pension and disability insurance are to be granted, irrespective of nationality or citizenship, to all residents in Croatia, with the same being true for retirement or disability pensions. In accordance with the By-Law on the Payment of Pensions to Beneficiaries in the Republic of the former Socialist Federal Republic of Yugoslavia, Croatia has taken the obligation to pension off beneficiaries who have obtained pensions in other republics of the former Yugoslavia but who are residing in Croatia: 763 from Montenegro, 8,866 from Bosnia and Herzegovina and 4,034 from Serbia. Moreover, Croatia is pensioning off 18,082 persons who had worked in the former Yugoslav National Army and who are now residing in Croatia, regardless of their citizenship. Out of all applications submitted by the citizens who worked in the Yugoslav Army, only five of them are pending, because of criminal proceedings that have been initiated against them.

114. Croatia ensures for weak, helpless and other citizens unprovided for due to unemployment or inability to work the right to assistance to meet their basic needs. Special care is ensured for the protection of disabled persons and their inclusion in social life (art. 57 of the Constitution). Every citizen has the right to health care (art. 58). The Social Welfare Act and the Marriage Act provide foreigners the legal entitlement to social security payments and other welfare benefits in case they are unable to care for themselves. Currently there are 76 elderly foreigners sheltered in residences for elderly people.

115. According to article 65 of the Constitution primary schooling is compulsory and free, and everyone is entitled to access, under the same conditions, to secondary and higher education in accordance with their ability. Article 66 of the Constitution of the Republic of Croatia provides the possibility for citizens to open private schools and teaching institutions. The independence of universities is guaranteed under article 67 of the Constitution.

116. The Constitutional Law on Human Rights regulates education and language use by minority groups. Minority groups are entitled to establish private kindergartens, schools and other education institutions. In relation to public schools and language policy, the Constitutional Law on Human Rights reiterates the fact that the Republic of Croatia protects the equality of national and ethnic groups or minorities and encourages their overall development and that it shall assist the development of the relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development (art. 4). Ethnic and national communities or minorities are guaranteed cultural autonomy and under article 6 are guaranteed the right to identity, culture, religion, public and private use of language and script and education; and the protection of equality in participating in public affairs such as political and economic freedoms in the social sphere, access to media, and in education and cultural matters.

117. Under article 7 members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and script, both publicly and privately. In those municipalities where members of a national or ethnic community or a minority represent the majority of the total population, the script and language of the national or ethnic community or minority will be officially used together with the

Croatian language and Latin script. Article 8 enables local self-governing bodies to decide to officially use two or more languages and scripts, taking into account the number of members and interests of ethnic and national communities or minorities. Article 14 deals with education in the mother tongue of minorities:

> "Members of ethnic and national communities or minorities living in the Republic of Croatia are to be educated in kindergartens and schools in their own language and script, with programmes adequately presenting their history, culture and science if such a wish is expressed.
>
> "Education in the part of the school programme ... not related to the student's ethnic origin is provided in the range and content regulated by authorized agencies of the Republic of Croatia.
>
> "The part of the programme related to the ethnic origin of students should be designated by the agencies ... following the suggestions from the Office of the Government of the Republic of Croatia for Inter-Ethnic Relations."

118. Article 15 stipulates that

> "In towns and other populated areas outside the special statute districts (art. 21 of this Constitutional Law) where national and ethnic communities or minorities represent a relative majority of the population, and if the number of students allows for it, separate educational institutions or school departments will be established with classes held in the language and alphabet of the particular national or ethnic community or minority, if such a wish is expressed.
>
> "In cases when such schools or school departments cannot be established ... due to the small number of students, the instruction of the subjects which are related to the national origin of the students (language, literature, history, etc.) will be carried out within a separate school department by teachers of the same national affiliation, if such a wish is expressed by the students' parents.
>
> "In towns and populated areas outside the territories of special statute municipalities, from which, during and after World War II, the native population of other ethnic and national communities or minorities was banished into parent countries or the policy of forced migration into parent countries was pursued, teaching a foreign language can be introduced as an optional subject, beginning with the fourth grade of elementary education until the end of secondary education, that foreign language being the language of that ethnic and national community or minority, regardless of the percentage of the total population that those ethnic and national communities or minorities represent in that region.
>
> "In towns and populated areas outside the territories of special statute districts, in order to protect the collective rights of indigenous ethnic and national communities or minorities, steps for special protection for taking part in public affairs shall be taken, as well as in education, culture, spiritual and religious life and in access to public media, regardless of their share of the total population.

"Measures ... shall be undertaken until the re-establishment of the system of the proper institutions aimed at fostering and promoting national particularities and culture and the educational institutions of the minority communities in their "former scope."

119. Article 49 states that

"Members of ethnic and national communities or minorities living in special statute districts are educated in kindergartens and schools in their own language and alphabet based on separate programmes which adequately present their history, culture and science, if such a wish is expressed.

"Education of Croatians in the special statute districts is carried out in separate kindergartens and schools or educational departments of these schools and kindergartens in the Croatian language and Latin script.

"Education institutions ... are financed in the scope and by the criteria valid throughout the Republic of Croatia."

120. Article 50 provides that

"On the territory of special statute districts, education in the part of the school programme not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

"The programme related to the students' national affiliation is designated in accordance with the provision of article 14, paragraph 3, of this Law."

121. Article 68 of the Constitution guarantees the freedom of cultural and artistic creativity. The Republic of Croatia encourages and supports the development of culture and the arts. In compliance with the constitutional provisions ethnic or national minorities have formed various organizations in order to preserve their right to cultural identity. Moreover, new laws are being drafted that relate to the rights of the minorities: Law on Education in Minority Languages and Law on the Use of a Second Language and Alphabet. The following is an overview of cultural activities organized by different ethnic or national groups in Croatia.

122. The Serbian minority has been engaged in a number of forums to exercise their constitutional rights. Apart from the Serbian Cultural Club "Prosvjeta", Community of Serbs from Istria, Rijeka and Gorski Kotar (established December 1991), the community of the Serbian people in the Republic of Croatia has two main political organizations: the Serbian People's Party and the Serbian Democratic Forum.

123. The Italian Union has been able to establish the most diverse system for asserting, affirming and satisfying the political, cultural, economic and social needs of its members. The Union actively promotes cultural and national events, maintains and preserves their language and literature, heritage and customs and is able to cooperate with other institutions and organizations. The Union organizes and coordinates activities of the Italian

minority in Istria, Rijeka in Croatia, the Slovenian littoral and in other areas. The Republic of Croatia and the Republic of Slovenia provide funding in determined proportions for the programmes of organizations and institutions of the Italian minority. Four newspapers are published in the Italian language and they play an important role in affirming and representing the Italian minority. The "Edit" Publishing House has been particularly active.

124. Throughout the Republic of Croatia there are 18 pre-schools organized in the Italian language for members of the Italian minority and other interested persons. There are also 19 elementary schools, with a great number of classes. Instruction and lectures are conducted in the Italian language, while the Croatian language is operational in the following municipalities: Buje, Poreč, Rovinj, Pula and Rijeka. The Italian minority is the only minority group in Croatia to have four secondary schools with instruction and lectures in the Italian language. The Pula wing of the teacher-training college in Rijeka educates and trains members of the Italian minority in improving their professional skills in the Italian language. The Centre for Historical Studies in Rovinj is one of the key institutions of the Italian minority. The Centre is responsible for research projects in the field of the history and economy of Istria. Within the National Theatre "Ivan Zajc" in Rijeka "Italian Drama" operates. The Italian minority enjoys equal rights to use their language and script on an equal basis as determined in the municipalities as well as other localities pertaining to those municipalities, such as: Buje, Cres-Lošinj, Labin, Opatija, Pakrac, Poreč, Pula, Rijeka and Rovinj. There are two options available to facilitate language and education for the Italian minority. It is possible for the whole area of a municipality to be bilingual (the Buje municipality, for example) or for such rights to be exercised in individual parts of the municipality concerned (two local communities in Poreč).

125. Education in the Hungarian language prior to the aggression was organized for the Hungarian minority in six pre-school organizations and in four of these bilingual education was taught. At 11 elementary schools instruction was given in the Hungarian language, whereas bilingual instruction was provided in 3 elementary schools. Optional Hungarian language instruction was available for those interested. Bilingual education in parallel classes was conducted in a secondary education centre in Beli Manastir. The Magyar Kepes Ujsag is a weekly currently published in the Hungarian language.

126. The Hungarian minority is concentrated on the Baranja region. As a consequence of the occupation of this region there was a widespread exodus of the population, including members of the Hungarian minority. The Government of the Republic of Croatia and UNPROFOR have been working together to ensure that the remaining members of the Hungarian minority in the occupied territories, mostly elderly persons, are safe from racial intimidation, vilification and imminent threats to their person and possessions. There are no classes in elementary or secondary schools being conducted in the occupied territories. The Hungarian minority continues to suffer threats and is being expelled surreptitiously or forced into forced labour camps and their freedom of movement is restricted. Many of the expelled are currently in Hungarian refugee camps and reception centres while a number are sheltered with

relatives and friends in Hungary, Austria, Germany and in the areas of the Republic of Croatia unaffected directly by war. There are many children among the refugees who are attending schools in Hungary.

127. The Czech and Slovak minorities have a monthly publication designed for children and an almanac thematically dealing with the life and history of the two communities published in their languages. The Czech minority has tuition in the Czech language taught at one pre-school centre and one at an elementary school. At another elementary school parallel classes provide instruction in the Czech and the Croatian languages. Instruction in the Czech language is taught in three schools for junior classes and in the Croatian language in senior ones. Bilingual instruction is provided for student members of the Czech minority in one secondary educational centre with some subjects being taught in Czech and others in Croatian and Czech. The Czech and Slovak League has launched an initiative for starting a Czech section within the institutional framework of the Daruvar high school.

128. During the war of aggression against Croatia, on the invitation of the then Government of the Czech and Slovak Federal Republic, the safe departure of elementary and secondary school pupils to the Federal Republic was organized. The Federal Republic also organized the accommodation and shelter of Croatians and other minority groups from the municipalities of Daruvar, Grubišno Polje, Sisak, and Bjelovar. The relevant authorities are doing everything in their power to normalize conditions for the safe return of pupils to their homes.

129. The Slovak minority has language instruction organized in special classes in three schools. Optional Slovak language instruction is taught in elementary schools in the municipalities of Đakovo and Našice. The aggressor, during the height of aggression, forcibly expelled members of the Slovak minority from the Ilok region. The Slovak Matica Foundation was recently founded and is concerned with publishing activities and promotion of culture and education.

130. The German and Austrian minorities have established the German and Austrian League and the Association of Germans in the Republic of Croatia. Both organizations are new and are based on the recognition of the need to maintain language as well as closer links with parent peoples. A newspaper is published in the German language by the Association. Due to the consequences of the war, the Office for Inter-Ethnic Relations and other relevant governmental and non-governmental organizations are having problems establishing communications and contact with members of the German and Austrian minority from Vukovar and those residing in the Baranja region.

131. The Jewish community of Zagreb undertakes educational and cultural activities for the Jewish minority in Croatia. Activities include: publishing of an official newspaper called Bulletin of the Jewish Council of Zagreb, and organizing particular aspects of educational activities for pre-school and school-age children. Throughout the Republic of Croatia there are nine Jewish Councils: Zagreb, Osijek, Split, Rijeka, Dubrovnik, Čakovec, Varaždin, Slavonski Brod and Daruvar.

132. Hebrew language courses are being taught and "Talmud-Torah" seminars organized. Pedagogic activities are also conducted at a kindergarten in Zagreb. The social activities involve a number of diverse activities, including care for the elderly and frail persons. The centre for elderly people "Lavoslav Švarc", located in Zagreb, was founded in 1909. Cultural activities are organized through the cultural and singing club and Hebrew library.

133. The Ruthenian and Ukrainian minority language was taught on an optional basis prior to the aggression against Croatia. Language was also taught at summer school, the last time in Zagreb. The League of Ruthenians and Ukrainians is operating from Zagreb. The bulletin of the League is being edited and published in Zagreb. From the areas of Vinkovci and Vukovar, where the largest concentration of this minority lived prior to the aggression, the majority of them have become refugees or displaced persons and have taken shelter in more peaceful areas of Croatia. A significant number have taken refuge in neighbouring countries such as Austria and Hungary. The Ruthenian and Ukrainian minorities publish a bimonthly and an almanac.

134. The Roma minority is basically organized by the Community of Roma which was established with the basic aim of developing and promoting culture, education and information dissemination in their own language. The largest section of the minority, including children of school age, remain illiterate or semi-literate. The Republic of Croatia has been committed to combating illiteracy as a general social norm throughout the country, but treats this particular case with great diligence and concern. It is a major social challenge and responsibility to include as many children as possible within the mainstream educational system while providing for minority languages, identity and culture. The strongest barrier for the inclusion of more children into the mainstream educational system is language. There is a manifest lack of instructors in the Roma language. The relevant authorities have also been working on changing and stimulating the attitudes of parents towards treating education as a positive value and necessary for the complete and successful inclusion of children into society.

135. In the territory under the control of the Croatian Government there is no racial segregation or distinction, exclusion or restriction based on national or ethnic origin, and therefore all citizens and foreigners enjoy and exercise, on an equal footing, all human rights and fundamental freedoms, including the right of access to any place or service. In the occupied areas the "authorities" show flagrant and systematic disregard for human rights, and the non-Serbian population is being terrorized and the right to free movement is restricted.

Article 6

136. The Republic of Croatia ensures to everyone within its jurisdiction effective protection against all acts of racial discrimination which violate human rights and fundamental freedoms contrary to the Convention. The Constitution of the Republic of Croatia, the Constitutional Law on Human Rights and the Criminal Code prohibit all practices that are based on racial discrimination. Effective protection against acts of racial discrimination is given through criminal, civil and administrative jurisdiction of Croatia, and

the Constitutional Court has a special role in the protection of human rights. Besides the judicial system, the Croatian Constitution has introduced special mechanisms for the protection of fundamental freedoms and human rights.

137. To protect constitutionally guaranteed human rights and freedoms, article 26 of the Constitution provides that all citizens and foreigners have an enforceable right to equal treatment before courts. Article 18 of the Constitution of the Republic of Croatia stipulates that the right to appeal against decisions brought in first-instance proceedings is guaranteed to everyone. The right of appeal may exceptionally be denied if other legal protection is ensured (administrative dispute or revision). Article 58 of the Criminal Code proscribes any violation of the right to legal remedy.

138. All decisions regarding constitutional rights and duties have to be based on law, and judicial review of their legality is guaranteed (art. 19 of the Constitution). This provision was a basis for the decision of the Constitutional Court U-I-147/1992 of 24 May 1993 (see appendix) which initiated the proceedings on the question of the unconstitutionality of article 26, paragraph 3, of the Law on Croatian Citizenship, which reads as follows: "In the decision on rejection of application for acquiring citizenship, the reasons do not have to be stated". The Constitutional Court is of the opinion that all decisions on denial of an application have to state the reasons for denial, so that control of decisions brought in the first instance before judicial and other bodies and agencies is possible.

139. The criminal courts provide effective protection against acts of racial discrimination or any other act of violence. Civil rights are protected in the civil procedures. Judicial reviews of administrative decisions have been provided and the Administrative Court established.

140. The right to seek from a tribunal a just and adequate reparation or satisfaction for any damage suffered as a result of the violation of any constitutionally guaranteed right is provided by Croatian civil and penal law. The civil law provides reparations and satisfaction for any damage unlawfully caused. Any form of discrimination which constitutes a criminal offence provides grounds for damage claims by the injured party under penal law, which can be enforced before the civil tribunal as well.

141. The constitutional complaint has been introduced by the Constitution and the Constitutional Law on Human Rights. The constitutional complaint may be submitted to the Constitutional Court against violations of fundamental constitutional rights and freedoms committed by judicial, administrative and other decisions, after ordinary legal remedies have been exhausted. These rights also belong to the special statute districts in regard to rights and freedoms guaranteed by the Constitutional Law on Human Rights. The Constitutional Court may revoke the disputed decisions and order proceedings to be resumed.

142. Since the entry into force of the aforementioned law, 253 constitutional complaints have been submitted.

143. According to article 93 of the Constitution, an ombudsman for the protection of the constitutional and legal rights of citizens in proceedings

before administrative and other bodies vested with public powers has been elected by the House of Representatives of Parliament for a term of eight years.

144. In addition to national judicial protection of human rights and minority rights, the Constitutional Law on Human Rights also provides a mechanism of international protection. Article 60 of the Constitutional Law provides that every citizen of Croatia, after having exhausted all available internal legal remedies, can appeal to the Court for Human Rights which will be established by the Convention between all States created on the territory of former Yugoslavia. Until the establishment of the Court of Human Rights, the Provisional Court of Human Rights will be established. The Provisional Court will consist of the President and two members who will be appointed by the Presidency of the European Community from among the ranks of citizens of its member States, and two members that will be appointed by the Croatian Parliament from among its own nationals. In this way Croatia has already accepted a mechanism of international control, although not a member State of the Council of Europe, anticipating resolution 93/6 of the Parliamentary Assembly. As soon as the Council of Europe establishes a mechanism the Republic of Croatia will comply with it. The acceptance of such an international control mechanism is a natural consequence of the firm commitment by Croatia to honour and implement the European Convention on Human Rights.

145. The Governmental Office for Inter-Ethnic Relations and the Parliamentary Committee on Human Rights and the Rights of Ethnic and National Communities or Minorities play an important role in the control of the implementation of the policy enhancing human rights issues and the rights of minorities in Croatia (see paras. 25-27 above).

Article 7

146. The Government of Croatia is making every effort to combat prejudice in an effort to restore ethnic harmony. This is an extremely difficult task in the wake of the aggression and the heinous crime of "ethnic cleansing" and deliberate campaign of racial hatred instigated by extremists from the UNPAs and the so-called Federal Republic of Yugoslavia (Serbia and Montenegro).

147. The range and extent of cultural activities of ethnic or national communities or minority organizations include forums for discussion, seminars, anniversaries of significant historical dates, round-table discussions, symposiums, scholarships for language and religious demonstrations. Those ethnic and national communities or minorities which do not have particular cultural societies organize cultural activities within the framework of their organizations. The Italian Union, the Alliance of Czechs, Matica Slovačka, the Alliance of Hungarians, Alliance of Russians and Ukrainians, the Community of Serbs from Istria, Rijeka and Gorski Kotar, Community of Serbs in the Republic of Croatia, Alliance of Germans and Austrians in Osijek, Community of Germans (Zagreb), German National Community (Zagreb), the National Community of Albanians, the Association of Gypsies, and the Macedonian Community in the Republic of Croatia have all organized a variety of cultural and educational activities. Many Croats actively participate in the cultural activities

organized by different minorities. The following is an overview of the cultural activities organized by different ethnic and national communities or minorities in Croatia.

148. The "Shkendija" Cultural Society of Albanians is active in Zagreb with drama, music and sport activities.

149. As a consequence of war the number of cultural societies within the framework of the Alliance of Czechs has decreased to 20 from a previous figure of 24. They are organizations active in Daruvar, Dežanovci, Doljani, Bjelovar, Gornji Daruvar, Ivanovo Selo, Jazvenik, Kaptol, Končanica, Lipovac, Mali Zdenci, Medarići, Prekopakra, Zagreb, Golubinjak, Kralovac, Šibovac, Donji Grdani and Veliki Zdenci. Each organization has a library and in Ivanovo Selo there is an ethnographic collection. The community organizations are involved in drama, brass band, amateur radio (in the past six months they have organized a festival of "Marching Brass Band" in Daruvar) and at traditional demonstrations and other celebrations.

150. Before the war the Alliance of Hungarians consisted of 22 cultural-artistic societies. Today they have four main active societies, the KUD "Dosa Gyrgy" in Hrastin, KUD "Adi Endre" in Zagreb, KUD "Sandor Petofi" in Ivanovac, and KUD "Nepkor" in Osijek. The KUD "Adi Endre" in Zagreb is currently taking care of refugees, and has organized a choir called "Korog" in Osijek which consists of refugees from the Baranja region.

151. The "Preporod" Cultural Society of Muslims and the Rijeka branch organize a variety of cultural activities. The Zagreb centre of this community has opened a library which has approximately 3,000 books. During the last six months activities have included youth meetings, religious celebrations, forums for discussion, lectures and exhibitions. The forums included "Recorded history with Behar" and "The thousand and one faces of Osman Muftić", presentation of Ediba Muftić's book The Formation of Bosnian Muslims; "Fundamentalism: what is it?" by Zijo Sulejmanpašić, an exhibition of Mehmed Bajrić's paintings. Within the scope of the society a section deals with education and organizes summer school instruction in a number of subjects and foreign languages. The summer school attracts approximately 150 students and 50 adults.

152. Within the organization of the Italian Union there are three cultural organizations: "Lino Marianni" from Pula, "Marko Garbin" from Rovinj, and "Frattelanca" from Rijeka. The Italian Union, along with these 3 organizations and 41 other Italian societies, has successfully organized its 2,220 members in a drama section and a folk, artistic, musical and philatelic section. During the preceding 6 months the Union has organized 160 events in Croatia and an additional 20 in Italy.

153. The Jewish Cultural Society "Mirislav Šalom Freiberger" and the choir "Lira", organized within the cultural programme of the Jewish community, are active in Zagreb. The Jewish community of Zagreb organizes Hebrew language courses (Ivrita) and hosts lectures: "Purim's feast customs in Zagreb", by Vesna Rapo; "Actual events in the Jewish world", by Srdan Matić; "Jewish themes in the work of German writers", by Dr. Viktor Žmegač; "On Jewish Croatian theatre", by Dr. Batušić; "The Crusades and the Jews", by

Dr. Ivo Goldstein; "The ritual of candle lighting among the Jews", by Vesna Rapo. Dr. Adalbert Rebić's book Biblical Law was also presented. The Jewish community in its auditorium organized a variety of concerts; a number of artists participated, such as Nada Ruždak. The children and youth of the Jewish community presented "Purim spiel", directed by Radovan Milanov. This presentation was performed three times in the residence for elderly people "Lavoslav Svarc" and twice at the Jewish Council Centre. The Cultural Society "Miroslav Salom Freiberger" and the Zagreb Jewish community recently published a booklet entitled Jewish Heritage in Zagreb and Croatia.

154. The Society of Montenegrins and Friends of Montenegro "Montenegro" organized a P.E.N. Congress promoting a book published by a group of Montenegrin authors entitled Literatura Montenegrina. The society also sponsored publication Elementa Montenegrina by Pavle Mijović and released a musical cassette by Danijel Popović "Good Morning Montenegro".

155. The Alliance of Ruthenians and Ukrainians consists of eight cultural societies. They have a cultural and educational society, "Miroslav Krleža", in Zagreb and in Osijek they have the musical and folk sections "Karpati" and "Josip Kozarac". The "Jakim Hardi" society from Petrovac and the "Josip Kostelnik" society temporarily operate in Zagreb.

156. The cultural activities of the Serbian community are mostly organized by the Society "Prosvjeta" in Zagreb. The society is composed of specific organizations dealing with the cultural and historical heritage of Serbs in Croatia. The representatives of "Prosvjeta" and the Ministry of Culture and Education of the Republic of Croatia have commenced the elaboration of a special programme of education for the Serbian community in Croatia.

157. The Matica Slovačka consists of three cultural-educational societies; the "Frano Strapač" from Markovac, the "Ivan Brnjik Slovak" from Jelisavac, the "Braća Baras" from Josipovac.

158. The Alliance of Slovenes consists of three cultural societies: the Slomškovo educational society "Slovenski dom" in Zagreb, the Cultural Society "Triglav" in Split and the Slovene dom "Bazovica" in Rijeka. The Slomškovo educational society "Slovenski dom" in Zagreb organizes student meetings (cultural and sport activities). The "Slovenski dom" hosts a number of multi-ethnic meetings (cultural activities, artists and scientists). The society also organizes activities for the Slovene national holiday "Prešernov dan" and provides scholarships for Slovene language studies (30 students). The choir has performed at over 20 festivals in Šentrid and Stično of Slovene songs and concerts were held by the "Zamejskih Slovencev" choir. The Slovene dom "Bazovica" has premises in Rijeka with a drama section, multi-ethnic choir and folkloric group. At the end of 1992 the group organized the forty-fifth anniversary celebrations of the "Bazovica" society.

159. In the Republic of Croatia there are a number of societies for the promotion of international cultural, educational, scientific and economic affairs enhancing the tolerance and friendship among nations.

Notes

1/ The elements qualifying an entity as a State under international law were codified in the Montevideo Convention on Rights and Duties of States (26 December 1933, 165 LNTS 19), article 1 of which provided that the "State" as a person of international law should possess the following elements: (a) permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other States. The necessity of the first three elements were confirmed by Opinions 1 and 8 of the Arbitration Committee within the framework of the Peace Conference on Yugoslavia.

2/ The expression "ethnic and national communities and minorities" is embedded in the constitutional and legal framework of the Republic of Croatia so that each community, regardless of how it refers to itself, can have its status and rights vouchsafed. The expression also reflects the ethnic and cultural pluralism of Croatia and progressive legal apparatus dealing with the complexity of minority issues.

3/ Information provided by the Government Office for UNPROFOR and European Community Monitoring Mission valid as of 26 July 1993.

APPENDIX*

1. Population Census for 1991: Ethnic Structure of the Population of Croatia according to Districts (Republic of Croatia - Bureau of Statistics, Document 881, Zagreb 1992)

2. Ivan Crkvenčić and Mladen Klemenčić, Aggression Against Croatia: Geopolitical and Demographic Facts (Republic of Croatia - Central Bureau of Statistics: 80 Studies and Analyses, Zagreb 1993)

3. Statistical Information 1992 (Republic of Croatia - Central Bureau of Statistics, Zagreb 1993)

4. The Principal State Acts (Parliament of the Republic of Croatia, April 1993)

5. Letter by Deputy Prime Minister of the Republic of Croatia, Zagreb, 9 April 1993

6. The Amnesty Law on Criminal Offences committed during Armed Conflicts and War Against the Republic of Croatia (Narodne Novine No. 58/1992)

7. Decision of the Constitutional Court of the Republic of Croatia No. U-VII-233/1992 (2 August 1992)

8. Decision of the Constitutional Court of the Republic of Croatia No. U-I-147/1992 (24 May 1993)

9. List of Societies and Associations of Ethnic and National Communities or Minorities; Societies for the Promotion of International Cultural, Educational, Scientific and Economic Affairs

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* The texts are available for consultation in the file of the Centre for Human Rights.

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